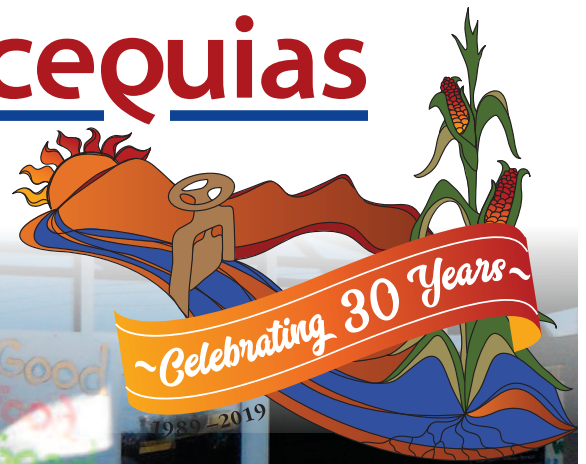


Noticias de las Acequias

New Mexico *Acequia* Association • Fall 2019



In 2013 NMAA hosted a rally to encourage the passage of a new Farm Bill. Photo: Serafina Lombardi

A Retrospective on NMAA's Policy Achievements

by David Benavides, New Mexico Legal Aid Attorney

When I think of the New Mexico Acequia Association and its influence on the state as a whole, I think about the long arc of New Mexico history and the fact that NMAA was formed at a point when there was a historic need for acequias to gain back some of the sense of self-determination they had before modern times.

When New Mexico became a state in 1912, acequias were one of its strongest institutions. Elephant Butte reservoir did not yet exist, nor did the Middle Rio Grande Conservancy District (MRGCD), nor most of the larger scale agricultural districts. Those areas were all primarily acequia agriculture, which was the backbone of agriculture in the state. As such, a great deal of deference was given to the authority that acequias had over their water rights, their easement rights, and their locally unique systems of water allocation. Any water law or policy that acequias would have felt they needed for their own defense they probably could have easily passed in the Legisla-

ture. No one at that time could have imagined a future in which acequias would need protection or would need to be recognized and respected as valuable to the state.

78 years later, the picture was quite different. The state's population had almost quintupled from 330,000 in 1910 to 1.5 million in 1990, and one-third of those people lived in the Albuquerque area, which had seen its acequias largely absorbed into the MRGCD. A similar process took place in Lower Rio Grande with the Elephant Butte Irrigation District. The San Juan-Chama Project was completed. These were three examples where the state had put its resources into large, expensive water projects, and had put its faith in the State Engineer to develop them. The State Engineer in turn required that water rights be more exactly quantified, and so a dozen stream adjudication suits were filed, and all of a sudden thousands of acequia parciantes were defendants in state-initiated lawsuits, and the validity of many long-held water rights were

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Remembering Carlos Cisneros

by Paula Garcia, NMAA Executive Director



It is impossible to discuss the acequia movement in New Mexico during the past three decades without including Senator Carlos Cisneros as a major player. He was one of the longest-serving Senators and his passing came as a sudden shock to his friends, loved ones, and supporters. He was a staunch advocate of acequias during his 34 year tenure as a lawmaker, sponsoring numerous bills and memorials for acequias over the years in close partnership and solidarity with the state's acequia leadership.

The first time I met Senator Cisneros, he was walking in a parade for the Mora fiestas sometime in the 1980s. Years later, as the new Executive Director of the NMAA in 1998, I met him again as Chairman of the Senate Conservation Committee, the gateway through which all water bills must pass. Over the years, he would be the key sponsor of acequia and water bills, many of them with Speaker Ben Lujan of Nambe.

Over the years, he became not only an ally in our acequia cause, but also a close friend. Most of the time I spent with him was at the Capitol or at interim committee meetings. In between talking about legislation and politics, I learned a little bit about his personal history, including that he was the youngest in a large family and his parents died when he was a boy. He was raised mostly by an older sister who he continued to visit on a regular basis and help with chores around the house and yard. His parents operated a ranch and he remained connected to Acequia del Llano in Questa. Although he was not an active rancher, his roots in the land informed his values as a legislator and eventually as one of New Mexico's greatest acequia advocates.

He started his role in leadership with his union at the mine in Questa. He was a welder, eventually earning a leadership role as a union steward. He became a Taos County Commissioner and was later appointed to the State Senate, where he would continue to serve for over three decades. He once told me that when he started as a Senator, he would work the graveyard shift at the mine and drive to Santa Fe for the legislative session the next morning. He continued to be a staunch supporter of labor and unions during his long career as a lawmaker.

Our current NMAA President, Harold Trujillo, often credits Carlos Cisneros with being a co-founder of the organization, since he passed a memorial in 1989 commemorating the founding of the organization. It wasn't until the late 1990s, when NMAA began to be engaged in legislative advocacy, that the Senator would begin passing a string of legislation that would re-shape the water policy framework in New Mexico by strengthening the water management and governance powers of acequias. Over the course of two decades, starting in 1998, the Senator would sponsor legislation with origins in NMAA's grassroots policy advocacy.

Perhaps his most significant pieces of acequia legislation were those that he passed in 2003, with Speaker Ben Lujan as the co-sponsor in the House of Representatives: 1) acequia authority to approve or deny water transfer applications and 2) acequia authority to operate water banks to internally reallocate water rights and prevent loss for non-use. Following these bills, Senator Cisneros also created a funding stream for the Acequia and Community Ditch Education Program, which to this day is a major funding source for NMAA's education and outreach work. Since the establishment of the program, NMAA has worked directly with over 500 acequias in updating their bylaws and developing infrastructure plans.

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NEW MEXICO ACEQUIA ASSOCIATION

Concilio (Board of Directors):

Harold Trujillo

*La Asociacion de las Acequias
del Valle de Mora*

Antonio Medina

*La Asociacion de las Acequias
del Valle de Mora*

Don Bustos

*Rio Quemado, Rio en Medio,
Rio Frijoles, Rio Santa Cruz
Acequia Association*

Alfredo Montoya

Las Nueve Acequias del Rio Grande

Santiago Maestas

*South Valley Regional
Association of Acequias*

Jackie Powell

*Upper Hondo
Water Users Association*

Gilbert Sandoval

*Jemez River Basin
Coalition of Acequias*

Stephen Trujillo

Taos Valley Acequia Association

Medardo Sanchez

*La Asociacion de las Acequias
Nortenas del Rio Arriba*

Yolanda Jaramillo

Embudo Valley Acequia Association

Martha Trujillo

Las Comadres Caucus

Staff:

Paula Garcia

Executive Director

Juliet Garcia-Gonzales

Director of Operations

Serafina Lombardi

Director of Education and Outreach

Allayne Scott

Finance Manager

Claire Ayraud

Payroll Manager

Toribio Garcia

Acequia Education Coordinator

Chavela Trujillo

Acequia Program Assistant

Emily Arasim

Acequia Program Assistant

Donne Gonzales

*Farmer Trainer and
Youth Education Coordinator*

Enrique Romero

Staff Attorney

Corilia Ortega

Acequia Education Coordinator

questioned. Quantifying water rights in turn led to water rights being analyzed outside of the context of the community and the acequia that gave rise to those rights. Proposals were made to transfer acequia water rights to distant areas, without regard for the effects on the community that would lose those rights. This marked a change, where water was being treated as a commodity, rather than as an essential and integral part of rural agricultural communities. Some people began advocating - to address the issue of getting water rights where they were needed for development, industry, or municipalities - that a New Mexico-wide water market run by the state be established. The assumption in this idea was that water rights would be moved out of agriculture to whoever or wherever offered the most money.

Acequias were getting lost in this new way of thinking. They were becoming invisible outside of their local communities, their needs neglected.

This extremity of position was one that would spur NMAA to place greater emphasis on policy work as one way to address the loss of acequia self-determination and prominence. Through its Concilio, Policy Working Groups, and Congreso de las Acequias (a federation of regional acequia associations), the organization has engaged grassroots leadership to assist in identifying and addressing their most pressing concerns. NMAA has worked at the local, state and federal levels to create policies that address those concerns. After 30 years it can truly be said that NMAA has made acequias visible once again. Some examples of NMAA's work influencing decision-makers:

- **Water Right Transfers.** Acequias now have decision-making power over proposed transfers of acequia water rights, thanks to a law NMAA passed in 2003.
- **Water Banking.** NMAA several times defeated in the Legislature bills to set up statewide water marketing or statewide water banking. Turning that conversation toward a more useful avenue, NMAA instead enacted a state law in 2003 for local water banking, whose purpose is not to market water rights but rather to protect water rights from being lost for non-use.
- **Condemnation.** NMAA passed a bill in 2009 prohibiting cities from trying to condemn acequia water rights.
- **Easement protection.** Passed in 2005, Acequia mayordomos and commissioners now have more legal remedies available to them for situations where a landowner is not respecting an acequia's right-of-way or where a landowner is blocking or interfering with the acequia.
- **Tort claims.** Like other public entities, acequias and their members, officers and employees are now shielded against tort lawsuits as of 2006.
- **Notice of State Engineer Water Right Transfers.** In 2019, NMAA passed a law expanding the outdated system of OSE legal notices being published only in newspapers - adding online notice, assisting acequias in their ability to file a protest.
- **Liens for non-payment of dues.** Acequias now have a simpler process for placing liens on property after receiving a

Magistrate court judgment for non-payment of dues as a way of inducing parcientes to come current on their dues.

- **Funding for acequias.** NMAA has successfully advocated many times for various types of funding for acequias the state level including funding for infrastructure improvements, adjudication expenses, and legal and technical assistance on governance issues.
- **Federal funding for acequias.** For years, NMAA worked with NM Association of Conservation Districts and our Congressional Delegation to make acequias as local governments eligible for EQIP funding for infrastructure. This was finally achieved in the 2018 Farm Bill.
- **Easement/Maintenance rights on federal land.** NMAA has campaigned to get federal agencies – particularly the Forest Service – to honor the easement rights of acequias that cross federal lands. Including the right to do maintenance and improvements without the cost and delay of getting a permit from the agency. After twenty years of NMAA working on this issue, in 2019 we achieved a Guidance Document from the USFS directing their field offices to cease requiring permits for the repair and replacement of existing acequia structures.
- **Supporting local governments to protect acequias.** NMAA has collaborated with local governments to strengthen ordinances that protect acequia easements, acequia served water rights, and agricultural land.
- **Court advocacy.** NMAA has also weighed in on a number of court cases involving important questions of acequia rights and water rights. Most recently, NMAA filed an amicus brief in the New Mexico Court of Appeals, successfully defending the right of an acequia to hold its meetings in Spanish.

Reflecting on how this was accomplished.

In the movies, great popular movements and political change happen as if by magic – the lead character makes a speech and the world changes! In reality, this type of progress is never made simply because you are on the side of what is right. Good ideas are almost always met with resistance, and overcoming that resistance takes a tremendous amount of effort and organizing. The gains that acequias have won over these past 30 years happened because, fortunately, acequias had several key ingredients for success:

- **Statewide Leadership.** For acequias to come together after centuries of acting locally and autonomously took a certain rarely-found type of leadership – one that was patient and credible and that inspired confidence in the vision of acequias moving beyond their local spheres of influence and building an organized statewide presence. Slowly at first, and then accelerating under Paula Garcia's leadership beginning in 1998, acequias joined together in a way they never had before.
- **Local Leadership.** Every victory turned on the fact that countless acequia leaders stepped forward at a crucial point in time. For example, when the water transfer law was passed giving acequias the right to decide on water transfers, each acequia had to amend its bylaws to include this new power.

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Celebrating Sembrando Semillas Summer Camp 2019



Sembrando Semillas summer camp participants. Photo: Emily Arasim

by Emily Arasim and Serafina Lombardi, NMAA Staff

Over the last week of July, youth and families from the NMAA Sembrando Semillas program joined together for an acequia summer camp, held at the historic Los Luceros property along the Rio Grande.

During our three days and two nights camping together, we shared laughs and knowledge, built friendships across acequia communities, and deepened our sense of connection to the land and to each other.

On the first morning of camp, Dr. Estevan Rael Galvez joined us as a guest presenter, sharing a plática about the importance of storytelling, cultural memory, and what it means to grow up as a land-based person.

In the afternoon, artist and medicine-maker Camilla Trujillo guided the group through the process of crafting seed-pots using beautiful micaceous clay, and twigs, stones and leaves collected from around the property.

The next morning, youth and families woke up at the break of dawn to the voice of músico David Garcia singing las mañanitas - and then ventured out for a bird-watching walk around the property with our incredible expert guides, Corilia Ortega and Will Jaremko-Wright.

The rest of day-two included a seed stewardship workshop and seed cleaning with farmer and educator, Miguel Santistevan; a

t-shirt screen-printing workshop with guidance from the Alas de Agua Art Collective; work re-plastering an horno with Sembrando Semillas mentor, Edward Gonzales; and fishing at the river with Toribio.

In the evening, we gathered together to hear the incredible music and storytelling of David Garcia and Jeremiah Martinez, as well as the poetry of Olivia Romo. We danced the marcha together, and talked about the historic and current importance of acequia music and art in the movimiento de las acequias.

The last day of acequia youth camp included an acequia scavenger hunt designed by NMAA mapping specialist Chavela Trujillo - as well as time spent gathered in circle, with guidance from Donne Gonzales (NMAA farm trainer) and Emily Arasim (NMAA youth education and outreach), to discuss our visions for the future of our acequia communities, and the many different ways we can take action and be involved as the next generation of acequia caretakers.

The goal of the NMAA team in organizing the camp was to give the members of our Sembrando Semillas learning sites the opportunity to share, bond and exchange their land-based life ways.

For many acequia communities, one of our greatest challenges is engaging our youth - while it is often also a challenge for our youth to find meaningful, enriching summer activities, and meet fellow young acequero/as. This camp, if only for a few days, provided a small yet meaningful response to both of

these concerns. We gathered as families, rather than just youth, acknowledging the need for parents, grandparents, and caretakers to also be supported in community, and to help each other pass along information across the generations.

We were all grateful to have played hard, worked hard, and been nourished by traditional homemade meals cooked by Donne, Juliet, Toribio and Margaret. Our young ones were held by an impassioned community, and the adults present were grateful for a space where our children were raised by an extended family of acequeros/as. It was a new and ambitious endeavor for NMAA, channeling our hearts and souls into camp activities. We look forward to harvesting many lessons from this year's camp, and continuing to grow our NMAA youth summer activities next year and into the future!



Mentor Edward Gonzales and youth work together to re-mud an horno.
Photo: Emily Arasim

Thank you to all of the teachers, mentors, volunteers, parents, and youth who participated in summer camp 2019—including the inspiring young leaders from the Northern Youth Project (NYP) who also joined our Sembrando Semillas cohort! 💧



Youth work on their clay seed pots at summer camp. Photo: Emily Arasim

Cultivating Querencia: Reflections from the Next Generation of Sembradores

A few times a year, NMAA shares reflections from our Los Sembradores Farmer Training Program. With this issue, we are happy to share the words of apprentice Corilia Ortega!



Corilia Ortega with her field. Photo: Angelo Mitchell.

Saludos a todos from Arroyo Hondo. The piñon jays have been gathering in song all around, the mornings are ya más frescas, and the first yellow leaves appeared on the cottonwoods and aspens last week. "El otoño ya se viene," like my Tíos and Tías say.

The beauty of gardening and becoming closer to la tierra is that these observations become part of my conscious journey and story in farming with the acequia. Reminding me that my parents and bis/abuelo/as have all seen and heard the same hints of the changing season.

I have been farming (with many friends and family at my side) since February of this year, and this is one of the many gifts and insights I've gained by re-connecting to the land - not to mention, learning a whole new way of living.

I've had my tough and gritty moments, from losing water because of gopher holes, to realizing my plot was considerably uneven so that a good portion of my crops didn't get enough water. I've learned how to use tools that I'd never used before, and have tapped into a level of physical strength/work that left me sore for weeks - thank goodness for hand salvos!

There are many serene moments like weeding cuando esta chispiando agua, or smelling the morning dew in the soil and hearing the buzzing of bees. We've had an abundance of joyful moments, if not moments of shock, at how quick and big calabazas get from sunrise to sunset, and total surprise the week that all the frijol verde suddenly appeared and I didn't recognize that they're just the fresh version of canned green beans I've eaten my whole life! My diet includes new daily foods like chard, kale, basil and red beets - which means I'm learning different ways to cook!

I've been fortunate to have so many friends and primo/as come and help me, from the first day cleaning the trashed plot, to tilling, planting seeds, regando, and now harvesting. It has become the center of my life, and an excuse to invite everyone over to see and share.

The growing season is now almost over, as is my apprenticeship with the NMAA Los Sembradores Farmer Training Program. Yet, we are already daydreaming of next Spring and all the things we will do better or different. I plan to keep trying, inviting, and sharing - hopefully encouraging others to garden wherever they may be.

The program gave me confidence and hands-on training to grow and harvest foods my family and vecino/as enjoy. I've done my best to keep notes on everything I've learned, from saving seeds, companion planting, to watering with both the acequia and drip-tape. I anticipate incorporating many of these approaches next year with my garden, while I also continue learning about the specific care each crop requires. In a few years, I imagine I'll join other farmers selling at the markets, or perhaps pick a crop to create an added value product. For now, I'm simply enjoying the beginnings of farming and the blessings that come from la tierra y el agua, and the togetherness of those around me while in the garden. 💧



Corilia Ortega (2019 apprentice) and brother, Nicanor (2017 apprentice), bring the first water from the Atalaya Acequia to their respective gardens. Photo: Angelo Mitchell.

Historic Gains on Federal Policy Celebrated



Top: Paula Garcia co-MC's the celebration. Below: Ralph Vigil of the NM Acequia Commission signs the USFS Guidance document. Photos: NMAA

The NM Acequia Association was honored to co-host a historic event on September 3, 2019, which included a celebration of updates to the 2018 Farm Bill benefiting acequias and land grants; and a signing of the United States Forest Service (USFS) Acequia Guidance Document. Over 130 acequia leaders, elected officials and partner organizations gathered at the Los Luceros Historic Ranch. The new Farm Bill allows acequias to receive federal funding for infrastructure projects. The USFS Guidance document recognizes the seniority of acequia easements on Forest Service land, especially when it comes to routine maintenance and operation. These efforts were many years in the making, and the result of much collaboration. Particularly, the Farm Bill amendments could not have happened without the leadership of the NM Association of Conservation Districts and Kenny Salazar. Thank you to Senator Tom Udall, Assistant Speaker of the House Ben Ray Lujan, Governor Michelle Lujan Grisham, and Regional Forester Cal Joyner, and his Forest Supervisors, for their steadfast advocacy. 💧

Rio Gallinas Inter Se Likely Coming to a Close: Court Rejects USFWS Objections

by Enrique Romero, NMAA Staff Attorney

You may recall from a previous issue of *Las Noticias*, that about a year ago the United States Fish and Wildlife Service (USFWS) raised several inter se objections against about two dozen acequia parciantes in the final stages of the Rio Gallinas adjudication. The move was perplexing, especially considering that the State Engineer (OSE) and the parciantes had agreed many decades before that the water rights that were the subject of the objections were valid. Also, the parcels that were being objected to were relatively small. It was – and still is – difficult to completely understand the rationale behind the USFWS's attempt not to gain water rights (inter se objectors do not gain water rights by objecting) but to remove valid water rights from the stream system. Presumably, because the acequia water rights are senior to the USFWS's junior rights, the agency was attempting to alleviate its need to reduce diversions during an acequia priority call.

The inter se phase of a water rights adjudication allows a water right claimant to legally challenge the water rights agreements between the OSE and other claimants, i.e. their court approved consent orders. Often during an adjudication, water right claimants, including acequia parciantes, spend countless hours and resources on working with the OSE's attorneys to ensure that the water rights "offer" from the OSE

is accurate. If the OSE and the parciante agree, they will request that the court bless the agreement via a consent order. However, parciantes undergoing an adjudication should remember a negotiated consent order is like winning a battle, albeit a highly significant one, but not the war. You do not win the war until all inter se objections to your particular water right have been dismissed or otherwise resolved.

On August 29, 2019, the Court denied all of the USFWS's objections. The USFWS argued that inter se objections to the validity of a water right could be based on inactivity after a consent order was entered. The Court rejected this argument, holding that the USFWS had other ways to raise the issue of forfeiture or abandonment after entry of a consent order – the inter se phase was appropriate only for those challenges that were pre-consent order. Also, in dismissing the objections, the Court held that the USFWS failed to provide sufficient facts about the allegations of non-use, thereby failing to comply with a court order. Instead, the USFWS relied on several aerial photos spanning a period of sixty-eight years as evidence of non-irrigation even though only two of the photos were taken during the irrigation season. Without providing a specific time period, claimants could not formulate a defense to the objections. The USFWS had several opportunities to present the evidence to the Court or to the claimants. Its failure to do so justified dismissal. 💧



Please Join Us!

20th Annual

Congreso de las Acequias!

Celebrating 30 Years of the Acequia Movement
in New Mexico

- Bendición de las Aguas
- Retrospective of the Acequia Movement
- Youth Perspective on the Future of Acequias
- Community, Food, Music

Saturday, **November 2nd** 2019

9:00am–3:00pm (Registration starts at 8:00am)

Sagebrush Inn

1508 Paseo Del Pueblo Sur, Taos, NM 87571

The Congreso de las Acequias is a dynamic and vibrant gathering that celebrates the acequias as part of our way of life and our livelihood. Our theme this year is Celebrating 30 Years of the Acequia Movement in New Mexico, we will reflect on the accomplishments of the last 30 years and how we will address the challenges that face us.

REGISTRATION:

Early Bird - \$30 before October 21st
(online registration closes October 30th)

At the door - \$35

Youth under 18 - \$10; Student - \$20

Registration covers breakfast snacks, lunch, entertainment, educational materials, an engaging agenda, networking, and youth activities.

To reserve overnight lodging at the Sagebrush Inn, call (575) 758-2254.

Please call (505) 995-9644 or visit www.lasacequias.org to register today!

★ **Pre-Congreso Special Event: Acequia Revitalization in the Town of Taos**
Friday, November 1 • 3:30-5:30pm

Hosted by Peter Vigil of the TSWCD, tour acequias in the Town of Taos, enjoy poetry, refreshments and learn local success stories of acequias thriving in a changing landscape.

20th Annual Congreso de las Acequias
SPONSORSHIP OPPORTUNITY

Saturday, November 2, 2019 • 9am to 3:00pm • Sagebrush Inn and Suites, Taos, NM

WHAT:

The Congreso de las Acequias is the annual statewide membership meeting of the NM Acequia Association, comprised of regional delegates from communities across the state. It is the ONLY statewide gathering of acequia leaders where we share knowledge and create strategies for protecting our acequias, the water that flows through them, and the healthy food that is grown with them. The Congreso is held in the fall of each year and continues to draw in more participants who are dedicated to the cause. The NMAA is working to continue building the movement throughout the state, protecting our land and water resources for future generations of acequia farmers and ranchers.

AUDIENCE:

Over 300 NM statewide acequia leaders and supporters including farmers, ranchers, dignitaries and elected officials from all levels of government (Local, State, Federal).

MEDIA EXPOSURE:

Print newsletter reaches 3,000, On-line newsletter reaches 2,600 + people; Facebook, 2,720 + followers; Local radio station ads.

SPONSORSHIP LEVEL & BENEFIT OPPORTUNITIES:

Maíz -- \$2,500

REGISTRATION waived for SIX (6) individuals
OPPORTUNITY to set up a DISPLAY BOOTH in the lobby
COLOR THIRD (1/3) page advertisement in the program
ACKNOWLEDGEMENT in our Print Newsletter, Electronic Newsletter, Facebook, and on our Website

Calabaza -- \$1000

REGISTRATION waived for FIVE (5) individuals
OPPORTUNITY to set up a DISPLAY BOOTH in the lobby
COLOR QUARTER (1/4) page advertisement in the program
ACKNOWLEDGEMENT in our Print Newsletter, Electronic Newsletter, Facebook, and on our Website

Chile -- \$500

REGISTRATION waived for FOUR (4) individuals
OPPORTUNITY to set up a DISPLAY BOOTH in the lobby
COLOR BUSINESS CARD in the program
ACKNOWLEDGEMENT in our Print Newsletter, Electronic Newsletter, and on our Website

Hava -- \$250

REGISTRATION waived for TWO (2) individuals
NAME listed in program
ACKNOWLEDGEMENT in our Print Newsletter, Electronic Newsletter, and on our Website

Alverjon -- \$100

REGISTRATION waived for ONE (1) individual
NAME listed in program
ACKNOWLEDGEMENT on our Website

CONTACT:

Juliet G. Gonzales, juliet@lasacequias.org
Office number: (505) 995-9644;
Fax Number: (505) 995-0097

NOTE: The New Mexico Acequia Association is a 501 (c)(3) tax-exempt organization. Donations to NMAA are tax deductible.

THANK YOU TO OUR SPONSORS TO DATE:

Tewa Women United; the American Friends Service Committee; Con Alma Foundation;
The Utton Center School of Law; FSA-USDA; National Young Farmers Coalition;
Middle Rio Grande Conservation District; Guadalupe Credit Union; Otero Soil and Water Conservation District;
Taos County Economic Development Corporation (TCEDC); Egolf, Ferlic, Martinez & Harwood;
NM Department of Homeland Security; and Taos Soil and Water Conservation District



2019 Acequia Art & Photo Contest

Acequia Art Contest

Submit poems, videos, paintings, sketches, mixed media, models, and MORE!

*Art participants are limited to one entry.

“What does acequia culture mean to you?
“Why are acequias important to your family, culture, or community?”

Acequia Photo Contest



*Photo participants are limited to one entry per category.

Photo Categories:

- Acequeros Working the Land
- Digitally Altered Imagery
- Regando
- Food and Seed Traditions

SUBMISSION DETAILS:

Adults: 19 and up | Youth: 18 years and under

Submissions due October 18, 2019

Submissions must be sent either by snail mail or electronically, in high resolution jpeg format to: NM Acequia Association, 805 Early Street Bldg. B, Suite 203 Santa Fe, NM 87505 or emailed to emily@lasacequias.org along with the following information:

Name of Artist, Town, Acequia Name, County, Art/Photo description or title(s)

You could win the following prizes:

1st Place: \$60.00 & NMAA T-Shirt | 2nd Place: \$40.00 & NMAA T-Shirt | 3rd Place: \$20.00 & NMAA T-shirt

*Winners will be recognized at the 2019 Congreso de las Acequias!

Terms and conditions: Upon photo submission, you agree to the use of your work(s) in NMAA materials including but not limited to publications, calendar, website pages, and outreach materials. Photo credit will be given where appropriate.

Please donate to the
Congreso Silent Auction
+Come to Congreso prepared to buy!

We are now accepting donations of goods and services to our 2019 silent auction.

Promote your business and support acequias!

Those making a donation will receive a 2 x 3' table space to highlight their business and/or product at this gathering of approximately 300 elected officials and acequia parcientes.

Please contact Patrick Blumm at 575-751-0185 or email Martha Trujillo at almars1327@gmail.com to receive more detailed information or to make a donation!



La Cosecha painting by Cornelio Trujillo



NEW MEXICO ACEQUIA ASSOCIATION

The New Mexico Acequia Association is a statewide, non-profit organization founded in 1990.

MISSION

Our mission is to protect water and our acequias, grow healthy food for our families and communities, and to honor our cultural heritage.

VISION STATEMENT

In our vision, acequias flow with clean water, people work together to grow food, and communities celebrate cultural and spiritual traditions. People honor acequias as part of our heritage and express *querencia* through a strong connection to land and community. Knowledge and experience about growing food, sharing water, and saving seed are passed on from generation to generation.

Guided by our core values, the New Mexico Acequia Association grows a movement of people of all ages and walks of life to defend and protect our precious water by resisting its commodification and contamination. Through involvement in NMAA, families and youth are inspired to cultivate the land, care for our acequias, and heal past injustices. Communities have an abundance of healthy, locally-grown food because we recognize agriculture as a respected and dignified livelihood and way of life.

Young Voices, Hope for Hemp, and Mapping Our Future - Summer Conference 2019



Young farmers and ranchers panel, featuring Lupita Salazar, Corilia Ortega, Chavela Trujillo & Joseluis M Ortiz y Muniz, with moderation by Emily Arasim. Photo: NMAA

by Emily Arasim, NMAA Staff

Acequia leaders and community members from across the state joined together in late August to learn, share experiences, and envision healthy futures for our acequia communities during NMAA's 2019 Summer Conference, 'Young Voices, Hope for Hemp, and Mapping Our Future'.

Our morning centered on the important stories, experiences, dreams and analysis of a group of young acequia farmers and ranchers, who hold a special role as *el puente*, the bridge, between the younger and elder generations of our communities.

Panelists Lupita Salazar (Northern Youth Project, Querencia Farm), Joseluis M Ortiz y Muniz (farmer, activist, *genizaro*), Corilia Ortega (NMAA Los Sembradores Farmer Training Apprentice), and Chavela Trujillo (NMAA staff, Extreme Abiquiu Horseback), started by discussing their deep gratitude to elders, family and mentors for the teachings and seeds that have been passed down to them. They then explored some of the challenges being faced by young farmers and acequero/as in the region, including issues of land access, displacement and gentrification; economic pressures and debt; social pressures including those of conventional career paths, city life and substance abuse; and the stresses of a changing climate. In closing, they shared their hopes, ideas and visions to help move us closer towards a future in which young people from acequia communities feel fully supported and fully resourced to be able to stay home - or return home - to care for the land, water, seeds and people in their communities.

The second session of the conference focused on lessons learned during the inaugural 2019 hemp growing session, as well as plans looking ahead to the 2020 season, and featured Mary Vigil and Dustin Vigil (Sugar Leaf Acres LLC), Ed Berg (Salida Hemp Company), Vince Cordova (New Mexico Hemp Services), and Leon Tafoya (Rio San Jose de la Cienega), with moderation by Toribio Garcia (NMAA staff).

Panelists shared experiences from different hemp operations ranging from small to large scale, as well as advice on topics including the importance of having a clear understanding of your goals before you begin; sourcing good genetics; preparing good water infrastructure; and finding a community of fellow hemp growers for support and resource sharing. They told stories of some of the year's ups and downs, but all concluded by sharing their determination and excitement to keep learning, and plant hemp again next season as a way to support their livelihoods and community economies, and put their water rights to beneficial use.

Our final session 'Acequia Mapping: A Tool for Water Justice & Visioning Our Future', featured Peter Vigil (Taos Soil and Water Conservation District), Tim Seaman (Rio Chama Acequia Association), Robert Templeton (Rio Embudo Regional Acequia Association), Alejandría Lyons (South Valley Regional Association of Acequias), and Daniel Estrada (Office of the State Engineer), with moderation by Chavela Trujillo (NMAA staff).

The mapping experts each brought a unique view, and demon-

continued on page 13

Keeping Regionals Active and Relevant: The Pojoaque Valley Acequias' Fight for Funding

by Enrique Romero, NMAA Staff Attorney

As we celebrate NMAA's 30th anniversary this year, it's important to acknowledge the contributions regional acequia associations, or "Regionals", have made, and continue to make, to NMAA and to their respective communities. As a grassroots organization, NMAA directs its policy initiatives based on input from its membership – including Regionals – on issues affecting acequias. Regionals speak as one voice for the acequias they represent on the issues of pressing concern in their basins. Many Regionals are initially formed around adjudications – either current or imminent – but others often mobilize for other reasons including for the protection of water quality, establishment of water sharing agreements, or defense of acequia water rights during OSE administrative proceedings. The newly formed Pojoaque Valley Regional Acequia Association (PVRAA) is an excellent example of a group of acequias coming together on the heels of a long and contentious adjudication (Aamodt) to address issues related to the adjudication process while also addressing the bread and butter issues of daily acequia governance.

A Final Decree in a water rights adjudication would normally be accompanied by a sigh of relief from the parties involved. In the Nambe-Pojoaque-Tesuque (NPT) basin, however, uncertainty continues to loom even after entry of the Final Decree in 2017. The parties, including the twenty or so acequias in the Nambe-Pojoaque basin, are grappling with implementation of the Aamodt Settlement, the agreement that resolved legally the disputes over the water rights of the various parties and brought nearly sixty years of litigation to an end. The interpretation of the rights and obligations of the water right owning parties – and those of the primary enforcement agency, the Office of the State Engineer (OSE) – continue to get ironed out in various forums including in informal discussions between the OSE water masters and acequia parciantes and between acequias themselves. Perhaps the greatest benefit the PVRAA has to offer parciantes and elected acequia officials is a forum for the acequias to convene and discuss Settlement implementation and the OSE's district specific regulations (DSRs) resulting from the adjudication process.

Despite the PVRAA's success at organizing a coalition of acequias in the area – only a handful have not joined the organization – it has already faced its first roadblock to effectively assisting its member acequias on issues related to the Settlement

and the DSRs. Like many non-profits and like most Regionals, the PVRAA is composed entirely of volunteers. Also like these organizations, the PVRAA knows how to make a little go a long way toward meeting its mission and purpose. In May, the PVRAA applied for a small amount of funding through the Acequia and Community Ditch Fund (ACDF) but was denied – at least for now.

The ACDF is a legislative appropriation meant to "provide assistance to acequias and community ditch associations in the adjudication process, including... services related to the adjudication process." Some of the factors the committee making the ACDF distributions considers are financial need and the progress of the adjudication. The ACDF statute, however, grants wide discretion to the committee and explicitly states that it is not limited to these factors when awarding the grants. The New Mexico Department of Agriculture is charged with administering the awards. Its ACDF guidelines

echo the legislative prerogative to protect acequia water rights: "It is clear that the New Mexico Legislature intended the ACDF to be used to provide the greatest benefit to aid acequia[s]...in defending water rights."

The committee also considers, but is not obligated to follow, the OSE's "report on eligibility and priority of applicants for funds." The OSE's report for this distribution cycle concluded that the PVRAA was ineligible because, in its opinion, there is "no active adjudication". According to the OSE report, the "Pojoaque has been fully adjudicated and the responsibility for handling those water rights has passed from the [Adjudication Program] to the [Water Rights Division] which handles the administration of adjudicated water rights." The distinction between adjudication and administration is a nice, clean one for bureaucratic purposes, but means little to those folks on the ground who see "administration" as simply the continuation of a long process of defending their water rights in an adjudication.

For acequia parciantes in the NPT basin, the adjudication process is still very much alive and "active". In fact, NPT acequias and their parciantes are facing the effects of sixty years of litigation, including a Settlement that has long-term consequences for all the parties. The OSE's claim that the adjudication is no longer active is a bit confounding – though not entirely unexpected – considering its adjudication report to the state court that "Settlement implementation" was the priority for fiscal year 2019 in the NPT. There is no reason to believe it will not be a priority dur-



PVRAA founding board members Dave Neal, Rob Salazar, and Nina Yozell-Epstein with Jolene Vigil and San Isidro youth art contest winner, Marisa Martinez.

ing this fiscal year or, for that matter, the years to come as disagreements arise over implementation.

In any case, the ACDF committee denied the PVRAA's request for funding at least until the NMDA had a chance to review the issue with its legal counsel as it was really a matter of first impression for the committee. The PVRAA is the first Regional to request funding for activities related to the adjudication process after a Final Decree had been entered. It is very much a possibility that the NMDA will agree with the PVRAA's broad interpretation of the ACDF statute, given the plain language of the statute and NMDA's own guidelines.

The PVRAA is trailblazing for acequias throughout the state

in its attempt to get funding through the ACDF for the work it seeks to do on post-Settlement implementation. A broad reading of the ACDF statute is a good thing for acequias going through any adjudication currently, and especially for those that anticipate years of work ahead due to complicated adjudication settlement agreements. The PVRAA's experience is an example of the need to keep Regionals running even after entry of a Final Decree or the initial purpose of the organization has been achieved. Regionals should strive to meet regularly to discuss the issues affecting their members even if those issues have changed. Regular meetings with members, full transparency, and frequent interactions with outside groups and agencies are keys to success for keeping Regionals active and relevant. 💧

Young Voices, Hope for Hemp, and Mapping Our Future *continued from page 11*



Acequia Mapping panel, featuring Peter Vigil, Tim Seaman, Daniel Estrada, Robert Templeton & Alejandria Lyons (speaking), with moderation by Chavela Trujillo. Photo: NMAA

strated the many different applications and methodologies for mapping, including to define and protect water rights, to improve acequia infrastructure, as well as for community education, social justice programs, and recording of traditional knowledge and stories. The panelists' comments were especially helpful in bridging the gap between conserving cultural practices, and the assistance that new technologies can provide to acequias. Panelists shared information and tools to make mapping accessible to all acequia leaders, and also highlighted mapping as a creative and impactful way to harness the interests and skills of young people in service of protection of the acequias.

Thank you to our conference sponsor, the USDA - and to all the service providers who shared resource tables at the con-

Hope For Hemp panel, featuring Mary Vigil, Dustin Vigil, Ed Berg, Vince Cordova & Leon Tafoya, with moderation by Toribio Garcia. Photo: Seth Roffman

ference, the Interstate Stream Commission - Acequia Program; the Natural Resource Conservation Service, Hernandez Service Center; the NM Association of Conservation Districts - RCPP; and the New Mexico Department of Homeland Security and Emergency Management - Disaster Recovery Unit. We also celebrate the youth members of the Mesa Vista Future Farmers of America (FFA) who prepared and served us a delicious lunch!

For follow up information, contact - toribio@lasacequias.org (acequia hemp programs); chavela@lasacequias.org (acequia mapping); emily@lasacequias.org (youth outreach and education). 💧

Update on Exploratory Mining Permit in Terrero

by Enrique Romero, NMAA Staff Attorney

The NMAA is part of a broad coalition of groups opposing Comexico's attempt to bring hard rock mining back to Terrero. The negative impacts of hard rock mining in this area, and its very real potential of contaminating the headwaters of a watershed that serves multiple uses – including agriculture and recreation which drive the local economy – simply outweigh any perceived benefits. The various communities of the Upper Pecos, well aware of contamination from a previous mine that has yet to be fully remediated, are united in opposing any exploration of mineral deposits in the area. The NMAA is proud to be part of this coalition which meets regularly to organize events, discuss legal strategy, and provide effective communication to the public. Here are just a few important updates concerning the proposed exploratory mining permit.

Santa Fe County Passes a Hard Rock Mining Ordinance

On August 27, 2019 the Santa Fe Board of County Commissioners passed a fair and balanced ordinance addressing hard rock mining (Ordinance) aimed at protecting public health and safety, including protections for water quality. Everyone in attendance who spoke to the Ordinance – except for one industry representative – urged the Commission to adopt it, often speaking about the effects of the old Terrero mine and Comexico's renewed attempt to bring hard rock mining back to Terrero. Although the Commission made it clear that the purpose of the meeting was to discuss the Ordinance and not anything related to any particular application, like Comexico's, the Ordinance would apply to any application for any type of hard rock mining within the County's jurisdiction. The County acknowledged that it does not have jurisdiction over zoning or land use on federal land within the County's boundaries, but it does have the ability to protect against environmental degradation and impose conditions on permits that protect the environment even if the regulated activity is on federal land. The Ordinance also requires that mining companies provide adequate financial assurance to ensure clean-up does not fall on the back of local taxpayers and County government. The Ordinance passed unanimously.

Moratorium on New Wells Surrounding Old Terrero Mine

On January 28, 2019, the Office of the State Engineer (OSE) issued an Order restricting the permitting and drilling of wells surrounding the old Terrero Mine in order to "protect human health". The OSE issued the order at the request of the New Mexico Environment Department (NMED) which concluded in a separate proceeding before the Water Quality Control Commission that "water quality in four monitoring wells [at the Terrero Mine site] continue to exceed [groundwater quality standards]" for barium, cadmium, fluoride, iron, manganese, dissolved solids, zinc and cobalt. The initial remediation of the mine began in the 1990s and continues today nearly thirty years later. The ban on new wells – public and private – within a thirty-acre area surrounding the mine is "in perpetuity" until the groundwater concentrations reach the levels provided in

New Mexico's ground water quality standards. Although not directly connected to Comexico's application for an exploratory permit, the OSE's moratorium issued "in the interest of public safety and protection of human health" is a stark reminder of the dangers mining has to local communities and their water supplies.

Public Hearing Granted in Pecos – Date To Be Determined

The NMAA and several other groups requested a public hearing on Comexico's application for an exploratory permit. The Mining and Minerals Division (MMD), the agency reviewing the application, has granted the request for hearing which will be held in the Village of Pecos. According to the MMD, the hearing will take place sometime in October. That date may end up getting pushed back, however, as Comexico continues to amend its proposal and other reviewing agencies, like the NMED and the US Forest Service, continue their internal reviews. The MMD is required to publish notice in a newspaper of general circulation in the area where the operation is located and provide direct notice to those who have requested the hearing. The notice must be provided at least 30 days prior to the hearing. The NMAA has yet to receive direct notice of the specific date and time. The NMAA in conjunction with the NM Acequia Commission and other partners will be holding a series of workshops along the Pecos to inform the public of the potential negative impacts of this proposal on acequia communities. Please contact NMAA to be included in our notice of the workshops if you would like to attend. 💧

CALL TO ACTION

Upper Pecos Watershed Association
Say NO TO MINING in the Pecos River Canyon!

GET INFORMED -
pecoswatershed.org/tererro-drilling-project/

GET INVOLVED
Email, call or write the Mining Minerals Division of NM Energy, Minerals & Natural Resources Dept (EMNRD) requesting denial of the Comexico LLC application #SF040ER Tererro Exploration Project - (505) 476-3435

Call Governor Lujan Grisham, (505) 476-2200. Ask her to...
...Protect the upper Pecos watershed and downstream communities.
...Appoint Mining Commission members who understand the importance of protecting NM land, water and wildlife.

Attend the Public Hearing of the NM Mining & Minerals Dept on the application of Comexico LLC - date TBD

Sign up for UPWA's email list for future notices - and encourage friends to sign up too: upwa@pecoswatershed.org

SIGN the petition to voice your concerns - electronically at www.nmwild.org/our-work/tererro-mine-project OR at local businesses in Pecos and Village of Pecos offices.

Call the NMAA office for more details on ways to take action - (505) 995-9644.



NMAA's Policy Achievements *continued from page 3*

Without hundreds of acequias holding meetings they would not have the transfer protection under the law.

- **Legislative Leadership.** Acequias in New Mexico have been blessed with some of the most dedicated legislators working on their behalf. Two stand out in particular: the late former House Speaker Ben Lujan, Sr., and Senator Carlos Cisneros, whose passing we now mourn. They sponsored the most important of the legislation listed above. They never gave up, but remained committed to these bills until they would finally pass. These two exceptional men exemplified what it means to be a public servant and the acequias of New Mexico are fortunate to have had them by their side.

- **Collaboration and Partnerships.** NMAA has worked with a variety of organizations and entities in our advocacy through the years. NMAA's closest partner in visioning these changes has been New Mexico Legal Aid. Additionally, NMAA is grateful for its partners across the Agricultural Community, various govern-

Remembering Carlos Cisneros *continued from page 2*

Even when acequia bills encountered opposition from strong interests, such as real estate developers or industry, he remained steadfast in his support of acequias. One of our elders said about him, "*El Carlos no se raja.*" (In English, "*Carlos never gives up.*")

One of the controversial pieces he carried was a memorial about Otowi gage, a gaging point that has been a barrier to transfers from northern New Mexico to the areas south, including Santa Fe and Albuquerque. His memorial stated that it was in the public welfare of the State of New Mexico that the existing policy of not allowing transfers across the gage as a de-facto protection for areas north of the gage (located north of Pojoaque). After a three-hour floor debate and split vote, Carlos remarked, "*You acequias are getting me in the middle of all your battles!*"

He would later go on to sponsor legislation affirming acequia easements, clarifying the flexibility in the width of acequia easements, providing stronger enforcement powers for acequias, clarifying tort immunity for acequia volunteers, and providing protections for land fallowed as a result of drought from losing their agricultural special valuation method. Most recently, he passed a bill requiring improved public notice procedures for water right applications after learning at a Land Grant Interim committee that rural communities were not being properly notified about water transfers.

During all of the years of carrying acequia bills, he served not only as a sponsor but also a teacher and mentor on the legislative process. He would always insist that when carrying a bill that we as the NMAA team diligently work to gain the support of his fellow legislators. He would say, "*Make everyone understand why acequias are important and then you can gain support for your bills.*" He took an active interest in every step of the process and would go the extra mile to be present for votes, sometimes running back and forth in the Capitol when he had

mental agencies, those with interests in conservation, water resources and open government. NMAA's issues have been ones that have often led disparate groups to find common ground in our values of protecting the land, water and its people.

The policy achievements listed here are a mere sampling of NMAA's work. While acequias have made great strides working together, continued advocacy is vital for us not to lose the ground we have gained. Economic interests are still driving many decisions concerning water, new issues are constantly emerging, and changes long in the making such as demographic shifts, a move away from an ag-based economy and climate change, to name just a few, must be reckoned with. Through it all, NMAA is committed to being a platform that offers acequias a voice, to share our visions for policy change and to advocate together. 💧

committee hearings scheduled concurrently. Over the years, we also forged friendships with his staff and analysts who he urged to help us in every way possible to get bills passed.

An area where he had some of his greatest impact was with funding. He ensured that every year the acequia program was funded with \$1.9 million in recurring funding to the Interstate Stream Commission. In years when there was more Capital Outlay, such as in 2014 and most recently in 2019, he took the lead in adding another \$2 million for the ISC acequia program. Additionally, the culmination of these years of funding advocacy was to create the Acequia and Community Ditch Infrastructure Fund – a highlight of his legislative career.

In the 2019 legislation session, Senator Cisneros, with co-sponsors Senator Pete Campos, Senator Richard Martinez, as well as House Representatives Andrea Romero and Bobby Gonzales, passed legislation creating a \$2.5 million fund with recurring funding from the Irrigation Works Construction Fund, a trust fund intended for irrigation and a beneficiary of the Land Grant Permanent Fund. This ensures a steady, recurring source of funding for acequia projects for generations to come.

New Mexico lost in Senator Carlos Cisneros a champion for the rights of rural communities to retain control and democratic decision-making over their water. He understood the unique issues facing rural New Mexico and remained a steadfast advocate throughout his career. As an acequia champion, he lifted our voices to the highest levels of policymaking in New Mexico and gave us a seat at the table. He never wavered in his support for acequias, even in the face of strong political forces that countered our collective efforts. He used his position for good. For that, we remember Senator Carlos Cisneros with great affection, con mucho carino. Estimado Senador, gracias por su apoyo y su liderazgo. Estamos muy agradecidos. We are grateful for the life you lived and the fights that you fought on our behalf. 💧

Noticias de las Acequias • Fall 2019

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Please Join Us for These Upcoming Events!!

Pre-Congreso Special Event:

Acequia Revitalization in the Town of Taos

Friday, November 1, 2019 from 3:30-5:30pm

Hosted by Peter Vigil of the TSWCD, tour acequias in the Town of Taos, enjoy poetry, refreshments and learn local success stories of acequias thriving in a changing landscape.

20th Annual Congreso de las Acequias!

Celebrating 30 Years of the Acequia Movement in New Mexico

Saturday, November 2, 2019 from 9am-3pm

Sagebrush Inn and Suites,
1508 Paseo del Pueblo Sur, Taos, NM 87571
Register at: www.lasacequias.org

Light of Los Luceros Fundraiser

Saturday, December 7, 2019 from 4-9pm

Los Luceros Historic Site, County Road 48 off Highway 68
Join us at the newly designated Los Luceros Historic Site to experience the sights, sounds, smells, and tastes of northern New Mexico's holiday traditions. This event is hosted by New Mexico Historic Sites, New Mexico Department of Cultural Affairs, Los Amigos del Rancho Los Luceros, and the New Mexico Acequia Association



**JOIN THE NMAA
MOVEMENT TO
PROTECT WATER!**

**WE CAN'T DO IT
WITHOUT YOUR
SUPPORT!**

**PLEASE JOIN THE NMAA
AS A MEMBER OR
A DONOR - OR RENEW
YOUR MEMBERSHIP
TODAY!**

**LEARN MORE ON
OUR WEBSITE,
WWW.LASACEQUIAS.ORG
OR BY CALLING OUR
OFFICE AT 505-995-9644**